



City of Seattle

Greg Nickels, Mayor

Department of Design, Construction and Land Use

Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2203192

Applicant Name: Seattle Department of Transportation (SDOT)

Address of Proposal: 3401 NW 54th Street

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit for future improvements and reconfiguration in existing right-of-way for extension of Burke Gilman trail from 30th Avenue NW to NW 60th Street. Project includes replacement of utility lines and curb cuts, new landscaping, and reconfiguration of parking for 118 vehicles.

The following approval is required:

Shoreline Substantial Development Permit to allow construction of a new bicycle trail in existing street right-of-way in an Urban Stable Environment. (Chapter 23.60.600)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

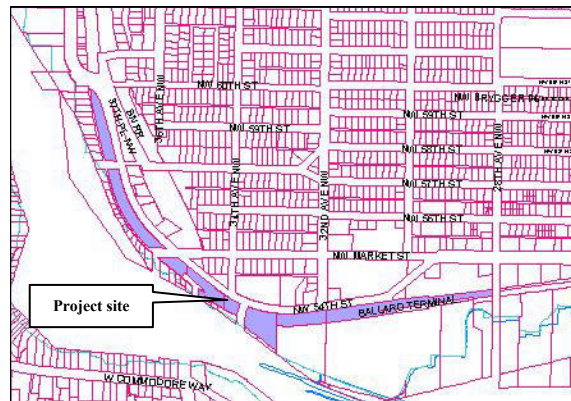
☐ DNS involving non exempt grading or demolition
or involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The proposal site lies on the southwest side of NW 54th Street and Seaview Avenue NW in the Ballard neighborhood of Seattle. The site is public right-of-way that was previously owned by Burlington Northern Santa Fe Railroad (BNSF) and contains a spur railroad line that is still in

operation. The spur line runs parallel to the existing street and is even with grade, except where it dips to go under a railroad bridge serving the BNSF mainline, which crosses the site.



Project site and vicinity map for the Burke- Gilman Trail extension project - 30th Ave NW to NW 60th Street. **Note:** Highlighted areas are based on Assessor Parcels and those areas east of 24th Ave. N.W. are not proposed for trail improvements at this time.

The site parallels the curving shoreline of Shilshole Bay from 30th Ave NW to NW 60th Street. This shoreline is zoned Neighborhood Commercial 3 with a 40-foot height limit (NC3 40'), and Commercial 1 with a 30- to 40-foot height limit (C1-30' and C1-40').

The shoreline adjacent to the site is developed with a variety of uses including, near the east end of the site, the Hiram Chittenden Locks and the Carl English Garden (“the Locks”), both popular tourist attractions. Several homes and a few small businesses are built along the shore at the foot of a small bluff. Some of these are built on pilings over water. The primary parking area for the uses in this area has traditionally been in the railroad right-of-way, now owned by the City, in both formal and informal parking areas. Because the existing parking on the site is informal in places, being un-striped and unpaved, it is difficult to state precisely how many existing parking spaces currently exist. The paved and striped parking areas for the Locks total 115 striped spaces. In July 1998, SDOT conducted a study which found that a maximum of 27 cars were parked in the informal parking areas during any of the times studied which included morning and noon on a weekday and noon and evening on a weekend.

The street right-of-way along the project site is an arterial street that connects central Ballard and the rest of the City with Shilshole Bay Marina and Golden Gardens Park, both of which are popular recreational destinations. To the north of the site, uses are primarily residential, although at least one office building is located on the north side of the street. The topography rises to the north, so that many of the residences enjoy views over the site. Views from the streets above the site to the north include some views of the shoreline of Shilshole Bay, particularly in areas where the existing trees along the shore are few, as is the case west of the railroad bridge.

Proposal Description

The City of Seattle Transportation Department proposes to construct a pedestrian and bicycle path within city right-of-way. The project includes grading, removal of some existing trees, and replacement of a water main and addition of new fire hydrants. The trail would consist of a paved surface parallel and adjacent to the existing sidewalk, which would remain. The existing curb would be moved toward the travel lanes to allow for street tree plantings along most of the project site and to allow for new landscape planting areas. Several existing curb cuts would be eliminated to reduce conflicts with bicycle and pedestrian crossings on the trail. Parking on the site would be reconfigured to allow for 89 striped spaces at the locks (a decrease of 26 spaces), and approximately 30 spaces in the area where parking is currently informal (3 more than were found to use the area at the highest demand time of the week). All parking would be accessible from off-street aisles paralleling the street and separated from the centerline of the rail line by at least 8.5 feet of clearance. The project includes new and relocated street lighting, signage, and landscaping.

The project does not include any work in the water. Drainage from new impervious surfaces will be tied to existing storm sewer lines and designed in accordance with the City's Stormwater and Drainage Control regulations.

Public Comments

The official comment period for this project ended on October 25, 2002. Written comments were received regarding a number of issues including parking, traffic safety, stormwater runoff, visual character impacts, and other concerns.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

SMC Section 23.60.030 provides criteria for review of shoreline substantial development permits. Specifically, the section states that a substantial development permit shall be issued only when the proposed development is consistent with:

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Chapter 90.58 of the Revised Code of Washington (RCW) codifies the State's policies with respect to managing shorelines and fostering reasonable and appropriate shoreline uses. Specifically, the Act contemplates protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. The Act further provides definitions and concepts and delegates responsibility for implementation to

specific state and local governmental entities. Local governments are given primary responsibility for initiating and administering the regulatory program of the Act. The State Department of Ecology (DOE), on the other hand, is given responsibility for insuring compliance among local governments with the policy of the State and provisions of the Act. Pursuant to the requirements of the Act, the City of Seattle has adopted a local shoreline master program that has been approved by the DOE. The City of Seattle Shoreline Master Program (SSMP) is codified in SMC Chapter 23.60.

In evaluating applications for shoreline substantial development permits, the Director must determine that a proposed use meets the criteria set forth in SSMP 23.60.030. Specifically, development standards of the shoreline environment and underlying zone must be considered and a determination must be made whether any special permit requirements or conditions are necessary to preserve or enhance the shoreline area. In order to obtain a shoreline substantial development permit, an applicant must demonstrate that the proposal is consistent with the shoreline policies established in SSMP Section 23.60.004. Additionally, the applicant must further demonstrate that the proposal meets the criteria and development standards for the specific shoreline environment in which the site is located, any applicable special approval criteria, general shoreline master program development standards, and the development standards for specific uses.

Shoreline Policies (RCW 90.58 and SSMP 23.60.004)

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and referenced in SSMP Section 23.60.004. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage improved public access along shorelines. Policy L321 promotes creation of "public enjoyment of the shorelines through public access standards by requiring improvements that are safe, well designed..." Policy L322 calls for publicly owned or controlled shorelines to provide "linkages between shoreline public facilities via trails, paths, etc., to connect with terminal boating and other recreational facilities." This project is a segment of a trail system that provides public access to the shorelines of Seattle by linking recreation facilities and shorelines including Puget Sound, the Ship Canal, Lake Union and Lake Washington.

It can reasonably be concluded that the proposed use is consistent with the shoreline policies of the City of Seattle.

Development Standards for Specific Uses (SSMP Subchapter III)

Development standards for specific uses are contained in SSMP Subchapter III, part 4. SMC 23.60.600 provides that the proposed use is permitted outright on a waterfront lot in the US environment both as street and as an open space use.

The proposal conforms to all shoreline master plan development standards for the US environment.

General Development Standards for All Uses (23.60.152 SMC)

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment.

In order to address community concerns about the project and avoid adverse impacts to the shoreline environment, SDOT has agreed to incorporate several measures into the project design prior to issuance of the shoreline permit:

- Trees with mature heights of no more than 35' will be planted between the railroad trestle overpass and the NW 57th Ave street end (approximately station 21+00 to 31+00, 20-30% of the project length) to preserve views from adjacent streets and residences uphill of this portion of the site.
- In order to avoid potential problems of soil instability that could result from infiltration of stormwater into the soil, bio-engineered soil will not be used along the planting strips from approximately the Bait House Cafe to just north of the northernmost proposed curb cut (stations 26+00 to 32+00). Instead, regular planting soil will be installed, and grades in this area will be sloped at 2% towards the street beginning at the outside edge of the trail. Grades in the parking areas will slope at 1% toward the railroad tracks.
- The design will also accommodate mailboxes for adjacent residences and businesses off-street in the parking areas. The anchor chain that was placed on the site by adjacent residents will be relocated on the site in a location north of the northernmost curb cut, directly adjacent to the landscaping that borders the trail (where SDOT believes it will not be a hazard to drivers or trail users but will still contribute to the visual character of the area).

Included in the general development standards of SMC 23.60.152 that shoreline developments and uses “protect the quality of surface and ground water on and adjacent to the lot” and that they “minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected.”

Currently, the area of the proposal site which is not separated from the shoreline by other drainage features, that area from approximately the Bait House Café to just north of the northernmost proposed curb cut, consist of compacted soil and gravel traveled on by trains and autos for many years. It is essentially an impervious surface. This existing surface is no longer precisely graded (if it ever was) and in some places it drains to the street gutter and in others towards the Ship Canal. The project is designed to leave the affected surfaces essentially impervious with a grade in the trail and planting areas which drains towards the street at a 2% angle and towards the Ship Canal at a 1% angle in the parking areas.

SDOT's project engineer has indicated that the proposed method of stormwater management, which SPU has determined would comply with the City's Grading and Drainage regulations will result in little or no change from the current condition, and that it will present no negative effects to the quality of surface and ground water in the immediate area. The site will remain essentially impervious to water, except in new landscape areas. The moderate slopes will allow for continued sheet flows, with a greater portion draining toward the street than at present, and should minimize potential for erosion during peak flows. No conditioning to protect water quality or soil stability appears to be necessary.

Procedures for Administration of the Shoreline Management Act (WAC 173-27)

Pursuant to the language and intent of RCW 90.58, WAC 173-27 establishes basic rules for the permit system to be adopted by local government. It provides the framework for permits to be administered by local governments including time requirements for permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State DOE. Because DOE has approved the Seattle Shoreline Master Program, consistency with the criteria and procedures prescribed by SMC Chapter 23.60 is also considered consistency with the WAC 173-27 and RCW 90.58.

Summary

The proposed development will be consistent with the policies and procedures of RCW 90.58, WAC 173-27, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP). As conditioned, the development will have no adverse effect on the shoreline, the near shore environment, and the waters of the Ship Canal and Puget Sound.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **CONDITIONALLY GRANTED**. Shoreline Substantial Development conditions are listed below.

CONDITIONS – SHORELINE

Prior to issuance of the permit

The applicant and/or responsible party shall:

1. Submit revised plans showing that between the railroad trestle overpass and the NW 57th Ave street end (approximately station 21+00 to 31+00) all trees shall have mature heights of no more than 35 feet, in order to minimize impacts to views from adjacent streets and residences uphill of this portion of the site.
2. Submit revised plans indicating the locations of any engineered infiltration areas that are part of the drainage design.

Signature: (signature on file) Date: March 24, 2003

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Land Use Division

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